

House Study Bill 179

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ZIRKELBACH)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act correcting references in the Code relating to the United
2 States department of veterans affairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1936HC 83
5 ec/nh/5

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1 1 Section 1. Section 8A.413, subsection 22, paragraph a,
1 2 Code 2009, is amended to read as follows:
1 3 a. Veterans who have a service-connected disability or are
1 4 receiving compensation, disability benefits, or pension under
1 5 laws administered by the United States department of veterans
1 6 ~~administration affairs~~ shall have ten points added to the
1 7 grades attained in qualifying examinations.

1 8 Sec. 2. Section 35.6, Code 2009, is amended to read as
1 9 follows:

1 10 35.6 CONTRACT WITH UNITED STATES DEPARTMENT OF VETERANS
1 11 ~~ADMINISTRATION AFFAIRS~~.

1 12 A state agency or a political subdivision of this state
1 13 operating a hospital or medical facility may contract with the
1 14 United States department of veterans administration affairs to
1 15 receive and to provide medical services to patients who are
1 16 the responsibility of a United States department of veterans
1 17 ~~administration affairs~~ hospital or medical facility in the
1 18 same jurisdiction or medical service area.

1 19 Sec. 3. Section 35.12, subsection 1, Code 2009, is amended
1 20 to read as follows:

1 21 1. The department shall coordinate with United States
1 22 department of veterans administration affairs hospitals,
1 23 health care facilities, and clinics in this state and the
1 24 department of public health to provide assistance to veterans
1 25 and their families to reduce the incidence of alcohol and
1 26 chemical dependency and suicide among veterans and to make
1 27 mental health counseling available to veterans.

1 28 Sec. 4. Section 35A.5, subsection 7, Code 2009, is amended
1 29 to read as follows:

1 30 7. Assist the United States department of veterans
1 31 ~~administration affairs~~, the Iowa veterans home, funeral
1 32 directors, and federally chartered veterans service
1 33 organizations in providing information concerning veterans
1 34 service records and veterans affairs data.

1 35 Sec. 5. Section 35D.1, subsection 1, Code 2009, is amended
2 1 to read as follows:

2 2 1. The Iowa veterans home, located in Marshalltown, shall
2 3 be maintained as a long-term health care facility providing
2 4 multiple levels of care, with attendant health care services,
2 5 for honorably discharged veterans and their dependent spouses
2 6 and for surviving spouses of honorably discharged veterans.
2 7 Eligibility requirements for admission to the Iowa veterans
2 8 home shall coincide with the eligibility requirements for
2 9 hospitalization in a United States department of veterans
2 10 ~~administration affairs~~ facility pursuant to ~~title 38, United~~
2 11 ~~States Code, section 610 38 U.S.C. } 1710, and regulations~~
2 12 promulgated under that section, as amended to ~~January 1, 1984.~~

2 13 Sec. 6. Section 35D.18, subsection 3, paragraph a, Code
2 14 2009, is amended to read as follows:

2 15 a. ~~Federal~~ United States department of veterans
2 16 ~~administration affairs~~ payments.

2 17 Sec. 7. Section 36.3, subsection 2, Code 2009, is amended
2 18 to read as follows:

2 19 2. Annually compile and evaluate the information submitted
2 20 in the reports pursuant to subsection 1, in consultation and
2 21 cooperation with a certified medical toxicologist selected by
2 22 the department. The department shall submit the report to the
2 23 governor, the general assembly, and the United States
2 24 department of veterans administration affairs. The report
2 25 shall include current research data on the effects of exposure
2 26 to chemicals, statistical information received from individual
2 27 physicians' reports, and statistical information from the
2 28 epidemiological investigations pursuant to subsection 3.

2 29 Sec. 8. Section 125.83A, Code 2009, is amended to read as
2 30 follows:

2 31 125.83A PLACEMENT IN CERTAIN FEDERAL FACILITIES.

2 32 1. If upon completion of the commitment hearing, the court
2 33 finds that the contention that the respondent is a chronic
2 34 substance abuser has been sustained by clear and convincing
2 35 evidence, and the court is furnished evidence that the
3 1 respondent is eligible for care and treatment in a facility
3 2 operated by the United States department of veterans
3 3 administration affairs or another agency of the United States
3 4 government and that the facility is willing to receive the
3 5 respondent, the court may so order. The respondent, when so
3 6 placed in a facility operated by the United States department
3 7 of veterans administration affairs or another agency of the
3 8 United States government within or outside of this state,
3 9 shall be subject to the rules of the United States department
3 10 of veterans administration affairs or other agency, but shall
3 11 not lose any procedural rights afforded the respondent by this
3 12 chapter. The chief officer of the facility shall have, with
3 13 respect to the respondent so placed, the same powers and
3 14 duties as the chief medical officer of a hospital in this
3 15 state would have in regard to submission of reports to the
3 16 court, retention of custody, transfer, convalescent leave, or
3 17 discharge. Jurisdiction is retained in the court to maintain
3 18 surveillance of the respondent's treatment and care, and at
3 19 any time to inquire into the respondent's condition and the
3 20 need for continued care and custody.

3 21 2. Upon receipt of a certificate stating that a respondent
3 22 placed under this chapter is eligible for care and treatment
3 23 in a facility operated by the United States department of
3 24 veterans administration affairs or another agency of the
3 25 United States government which is willing to receive the
3 26 respondent without charge to the state of Iowa or any county
3 27 in the state, the chief medical officer may transfer the
3 28 respondent to that facility. Upon so doing, the chief medical
3 29 officer shall notify the court which ordered the respondent's
3 30 placement in the same manner as would be required in the case
3 31 of a transfer under section 125.86, subsection 2, and the
3 32 respondent transferred shall be entitled to the same rights as
3 33 the respondent would have under that subsection. No
3 34 respondent shall be transferred under this section who is
3 35 confined pursuant to conviction of a public offense or whose
4 1 placement was ordered upon contention of incompetence to stand
4 2 trial by reason of mental illness, without prior approval of
4 3 the court which ordered that respondent's placement.

4 4 3. A judgment or order of commitment by a court of
4 5 competent jurisdiction of another state or the District of
4 6 Columbia, under which any person is hospitalized or placed in
4 7 a facility operated by the United States department of
4 8 veterans administration affairs or another agency of the
4 9 United States government, shall have the same force and effect
4 10 with respect to that person while the person is in this state
4 11 as the judgment or order would have if the person were in the
4 12 jurisdiction of the court which issued it. That court shall
4 13 be deemed to have retained jurisdiction of the person so
4 14 placed for the purpose of inquiring into that person's
4 15 condition and the need for continued care and custody, as do
4 16 courts in this state under this section. Consent is given to
4 17 the application of the law of the state or district in which
4 18 the court is situated which issued the judgment or order as
4 19 regards authority of the chief officer of any facility,
4 20 operated in this state by the United States department of
4 21 veterans administration affairs or another agency of the
4 22 United States government, to retain custody, transfer, place
4 23 on convalescent leave, or discharge the person so committed.

4 24 Sec. 9. Section 152A.3, subsection 3, Code 2009, is
4 25 amended to read as follows:

4 26 3. Dietitians who serve in the armed forces or the public
4 27 health service of the United States or are employed by the
4 28 United States department of veterans administration affairs,
4 29 provided their practice is limited to that service or

4 30 employment.

4 31 Sec. 10. Section 229.28, Code 2009, is amended to read as
4 32 follows:

4 33 229.28 HOSPITALIZATION IN CERTAIN FEDERAL FACILITIES.

4 34 When a court finds that the contention that a respondent is
4 35 seriously mentally impaired has been sustained or proposes to
5 1 order continued hospitalization of any person, or an
5 2 alternative placement, as described under section 229.14,
5 3 subsection 1, paragraph "b" or "d", and the court is furnished
5 4 evidence that the respondent or patient is eligible for care
5 5 and treatment in a facility operated by the United States
5 6 department of veterans administration affairs or another
5 7 agency of the United States government and that the facility
5 8 is willing to receive the respondent or patient, the court may
5 9 so order. The respondent or patient, when so hospitalized or
5 10 placed in a facility operated by the United States department
5 11 of veterans administration affairs or another agency of the
5 12 United States government within or outside of this state,
5 13 shall be subject to the rules of the United States department
5 14 of veterans administration affairs or other agency, but shall
5 15 not thereby lose any procedural rights afforded the respondent
5 16 or patient by this chapter. The chief officer of the facility
5 17 shall have, with respect to the person so hospitalized or
5 18 placed, the same powers and duties as the chief medical
5 19 officer of a hospital in this state would have in regard to
5 20 submission of reports to the court, retention of custody,
5 21 transfer, convalescent leave or discharge. Jurisdiction is
5 22 retained in the court to maintain surveillance of the person's
5 23 treatment and care, and at any time to inquire into that
5 24 person's mental condition and the need for continued
5 25 hospitalization or care and custody.

5 26 Sec. 11. Section 229.29, Code 2009, is amended to read as
5 27 follows:

5 28 229.29 TRANSFER TO CERTAIN FEDERAL FACILITIES.

5 29 Upon receipt of a certificate stating that any person
5 30 involuntarily hospitalized under this chapter is eligible for
5 31 care and treatment in a facility operated by the United States
5 32 department of veterans administration affairs or another
5 33 agency of the United States government which is willing to
5 34 receive the person without charge to the state of Iowa or any
5 35 county in the state, the chief medical officer may transfer
6 1 the person to that facility. Upon so doing, the chief medical
6 2 officer shall notify the court which ordered the person's
6 3 hospitalization in the same manner as would be required in the
6 4 case of a transfer under section 229.15, subsection 5, and the
6 5 person transferred shall be entitled to the same rights as the
6 6 person would have under that subsection. No person shall be
6 7 transferred under this section who is confined pursuant to
6 8 conviction of a public offense or whose hospitalization was
6 9 ordered upon contention of incompetence to stand trial by
6 10 reason of mental illness, without prior approval of the court
6 11 which ordered that person's hospitalization.

6 12 Sec. 12. Section 229.30, Code 2009, is amended to read as
6 13 follows:

6 14 229.30 ORDERS OF COURTS IN OTHER STATES.

6 15 A judgment or order of hospitalization or commitment by a
6 16 court of competent jurisdiction of another state or the
6 17 District of Columbia, under which any person is hospitalized
6 18 or placed in a facility operated by the United States
6 19 department of veterans administration affairs or another
6 20 agency of the United States government, shall have the same
6 21 force and effect with respect to that person while the person
6 22 is in this state as the judgment or order would have if the
6 23 person were in the jurisdiction of the court which issued it.
6 24 That court shall be deemed to have retained jurisdiction of
6 25 the person so hospitalized or placed for the purpose of
6 26 inquiring into that person's mental condition and the need for
6 27 continued hospitalization or care and custody, as do courts in
6 28 this state under section 229.28. Consent is hereby given to
6 29 the application of the law of the state or district in which
6 30 is situated the court which issued the judgment or order as
6 31 regards authority of the chief officer of any facility,
6 32 operated in this state by the United States department of
6 33 veterans administration affairs or another agency of the
6 34 United States government, to retain custody, transfer, place
6 35 on convalescent leave or discharge the person so hospitalized
7 1 or committed.

7 2 Sec. 13. Section 230.11, Code 2009, is amended to read as
7 3 follows:

7 4 230.11 RECOVERY OF COSTS FROM STATE.

7 5 Costs and expenses attending the taking into custody, care,

7 6 and investigation of a person who has been admitted or
7 7 committed to a state hospital, United States department of
7 8 veterans administration affairs hospital, or other agency of
7 9 the United States government, for persons with mental illness
7 10 and who has no legal settlement in this state or whose legal
7 11 settlement is unknown, including cost of commitment, if any,
7 12 shall be paid out of any money in the state treasury not
7 13 otherwise appropriated, on itemized vouchers executed by the
7 14 auditor of the county which has paid them, and approved by the
7 15 administrator.

7 16 Sec. 14. Section 331.608, subsection 2, Code 2009, is
7 17 amended to read as follows:

7 18 2. If an official discharge was not issued or if the
7 19 veteran was killed in action or died in service, the recorder
7 20 shall record an official certificate, general or special
7 21 order, letter, or telegram from a competent authority,
7 22 including letters from the United States department of
7 23 defense, the United States department of veterans
7 24 administration affairs, or other governmental office, which
7 25 shows the termination of the veteran's service.

7 26 Sec. 15. Section 400.10, Code 2009, is amended to read as
7 27 follows:

7 28 400.10 PREFERENCES.

7 29 In all examinations and appointments under this chapter,
7 30 other than promotions and appointments of chief of the police
7 31 department and chief of the fire department, veterans as
7 32 defined in section 35.1, who are citizens and residents of
7 33 this state, shall have five points added to the veteran's
7 34 grade or score attained in qualifying examinations for
7 35 appointment to positions and five additional points added to
8 1 the grade or score if the veteran has a service-connected
8 2 disability or is receiving compensation, disability benefits
8 3 or pension under laws administered by the United States
8 4 department of veterans administration affairs. An honorably
8 5 discharged veteran who has been awarded the Purple Heart for
8 6 disabilities incurred in action shall be considered to have a
8 7 service-connected disability. However, the points shall be
8 8 given only upon passing the exam and shall not be the
8 9 determining factor in passing.

8 10 Sec. 16. Section 535B.10, subsection 3, paragraph f, Code
8 11 2009, is amended to read as follows:

8 12 f. ~~Veterans administration~~ United States department of
8 13 veterans affairs.

8 14 Sec. 17. Section 599.5, Code 2009, is amended to read as
8 15 follows:

8 16 599.5 VETERANS MINORITY DISABILITIES.

8 17 The disability of minority of any person otherwise eligible
8 18 for guaranty or insurance of a loan pursuant to the
8 19 Servicemen's Readjustment Act of 1944*, as amended and of the
8 20 minor spouse of any eligible veteran, irrespective of age, in
8 21 connection with any transaction entered into pursuant to said
8 22 Act, as amended, is hereby removed for all purposes in
8 23 connection with such transaction, including, but not limited
8 24 to, incurring of indebtedness or obligations, and acquiring,
8 25 encumbering, selling, releasing or conveying property or any
8 26 interest therein, and litigating or settling controversies
8 27 arising therefrom, if all or part of any obligations incident
8 28 to such transaction be guaranteed or insured by the
8 29 administrator secretary of the United States department of
8 30 veterans affairs pursuant to such Act; provided, nevertheless,
8 31 that this section shall not be construed to impose any other
8 32 or greater rights or liabilities than would exist if such
8 33 person and such spouse were under no such disability.

8 34 Sec. 18. Section 633.566, subsection 4, Code 2009, is
8 35 amended to read as follows:

9 1 4. The estimated present value of the real estate, the
9 2 estimated value of the personal property, and the estimated
9 3 gross annual income of the estate. If any money is payable,
9 4 or to become payable, to the proposed ward by the United
9 5 States through the United States department of veterans
9 6 administration affairs, the petition shall so state.

9 7 Sec. 19. Section 633.580, subsection 4, Code 2009, is
9 8 amended to read as follows:

9 9 4. A general description of the property of the proposed
9 10 ward within this state and of the proposed ward's right to
9 11 receive property; also, the estimated present value of the
9 12 real estate, the estimated value of the personal property, and
9 13 the estimated gross annual income of the estate. If any money
9 14 is payable, or to become payable, to the proposed ward by the
9 15 United States through the United States department of veterans
9 16 administration affairs, the petition shall so state.

9 17 Sec. 20. Section 633.614, Code 2009, is amended to read as
9 18 follows:

9 19 633.614 APPLICATION OF OTHER PROVISIONS TO VETERANS'
9 20 CONSERVATORSHIPS.

9 21 Whenever moneys are paid or are payable pursuant to any law
9 22 of the United States through the United States department of
9 23 veterans administration affairs to a conservator or a
9 24 guardian, the provisions of sections 633.615, 633.617 and
9 25 633.622 shall apply to the administration of said moneys.
9 26 However, such provisions shall be construed to be
9 27 supplementary to the other provisions for conservators, and
9 28 shall not be exclusive of such provisions.

9 29 Sec. 21. Section 633.615, Code 2009, is amended to read as
9 30 follows:

9 31 633.615 ~~ADMINISTRATOR~~ SECRETARY OF VETERANS AFFAIRS ==
9 32 PARTY IN INTEREST.

9 33 The ~~administrator~~ secretary of veterans affairs of the
9 34 United States, the ~~administrator's~~ secretary's successor, or
9 35 the designee of either, shall be a party in interest in any
10 1 proceeding for the appointment or removal of a conservator, or
10 2 for the termination of the conservatorship, and in any suit or
10 3 other proceeding, including reports and accountings, affecting
10 4 in any manner the administration of those assets that were
10 5 derived in whole or in part from benefits paid by the United
10 6 States department of veterans administration affairs. Not
10 7 less than fifteen days prior to the time set for a hearing in
10 8 any such matters, notice, in writing, of the time and place
10 9 thereof shall be given by mail to the office of the United
10 10 States department of veterans administration affairs having
10 11 jurisdiction over the area in which such matter is pending.

10 12 Sec. 22. Section 633.617, Code 2009, is amended to read as
10 13 follows:

10 14 633.617 WARD RATED INCOMPETENT BY UNITED STATES DEPARTMENT
10 15 OF VETERANS ADMINISTRATION AFFAIRS.

10 16 Upon the trial of an issue arising upon a prayer for the
10 17 appointment of either a temporary or a permanent conservator,
10 18 a certificate of the ~~administrator~~ secretary of the United
10 19 States department of veterans administration affairs, or the
10 20 ~~administrator's~~ secretary's representative, setting forth the
10 21 fact that the defendant veteran has been rated incompetent by
10 22 the United States department of veterans administration
10 23 affairs upon examination in accordance with the laws and
10 24 regulations governing the United States department of veterans
10 25 administration affairs, shall be prima facie evidence of the
10 26 necessity for such appointment, and the court may appoint a
10 27 conservator for the property of such person.

10 28 Sec. 23. Section 633.622, Code 2009, is amended to read as
10 29 follows:

10 30 633.622 BOND REQUIREMENTS.

10 31 In administering moneys paid by the United States
10 32 department of veterans administration affairs the conservator,
10 33 unless it is a bank or trust company qualified to act as a
10 34 fiduciary in this state, shall execute and file with the clerk
10 35 a bond by a recognized surety company equal to such moneys and
11 1 the annual income therefrom, plus the expected annual United
11 2 States department of veterans administration affairs benefit
11 3 payments.

11 4 Sec. 24. Section 636.45, Code 2009, is amended to read as
11 5 follows:

11 6 636.45 FEDERALLY INSURED LOANS.

11 7 Insurance companies, building and loan associations,
11 8 trustees, guardians, executors, administrators, and other
11 9 fiduciaries, the state and its political subdivisions, and
11 10 institutions and agencies thereof, and all other persons,
11 11 associations, and corporations (1) may make such loans and
11 12 advances of credit and purchases of obligations representing
11 13 loans and advances of credit as are eligible for insurance
11 14 pursuant to Title I, section 2, of the National Housing Act
11 15 [12 U.S.C., ch 13], and may obtain such insurance, (2) may
11 16 make such loans, secured by real property or leasehold, as the
11 17 federal housing administrator insures or makes a commitment to
11 18 insure pursuant to Title II of the National Housing Act, and
11 19 may obtain such insurance, and (3) may make real property
11 20 loans which are guaranteed or insured by the ~~administrator of~~
11 21 ~~veterans' secretary of the United States department of~~
11 22 veterans affairs under the provisions of Title 38, sections
11 23 1801 through 1824, inclusive, United States Code.

11 24 It shall be lawful for insurance companies, building and
11 25 loan associations, trustees, guardians, executors,
11 26 administrators, and other fiduciaries, the state and its
11 27 political subdivisions, and institutions and agencies thereof,

11 28 and all other persons, associations, and corporations, subject
11 29 to the laws of this state, to originate real estate loans
11 30 which are guaranteed or insured by the ~~administrator of~~
~~11 31 veterans' secretary of the United States department of~~
~~11 32 veterans~~ affairs under the provisions of Title 38, sections
11 33 1801 through 1824, inclusive, United States Code, and
11 34 originate loans secured by real property or leasehold, as the
11 35 federal housing administrator insures or makes a commitment to
12 1 insure pursuant to Title II of the National Housing Act, and
12 2 may obtain such insurance and may invest their funds, and the
12 3 moneys in their custody or possession, eligible for
12 4 investment, in bonds and notes secured by mortgage or trust
12 5 deed insured by the federal housing administrator, and in the
12 6 debentures issued by the federal housing administrator
12 7 pursuant to Title II of the National Housing Act, and in
12 8 securities issued by national mortgage associations or similar
12 9 credit institutions now or hereafter organized under Title III
12 10 of the National Housing Act, and in real estate loans which
12 11 are guaranteed or insured by the ~~administrator of veterans'~~
12 12 ~~secretary of the United States department of veterans~~ affairs
12 13 under the provisions of Title 38, sections 1801 through 1824,
12 14 inclusive, United States Code.

12 15 EXPLANATION

12 16 This bill changes references in the Code to the federal
12 17 veterans administration and the administrator of veterans
12 18 affairs to the United States department of veterans affairs
12 19 and the secretary of the United States department of veterans
12 20 affairs. In 1989, the federal veterans administration was
12 21 changed to a cabinet-level department, the United States
12 22 department of veterans affairs.
12 23 LSB 1936HC 83
12 24 ec/nh/5